REMARKS

The Examiner has objected to a typographical error in Claim 8 as filed. This error has been corrected in the above Amendment.

The Examiner has rejected Claim 1 under 35 USC 112 for lacking antecedent basis for the term "the destination port." This rejection is believed to be overcome by the above Amendment to Claim 1.

Claims 10 and 12-16 have been rejected as anticipated by Lo. **Claim 11**, dependent from Claim 10, has been rejected under 35 USC 103 under Lo in view of the Microsoft press announcement. In the above Amendment, Claims 10-16 have been cancelled, although this cancellation shall not be construed as an admission of, or any other comment on, the merits of the rejection.

Claims 1-6 and 8-9 are rejected under 35 USC 103 over Shih in view of Lo. Shih is cited to show the claimed steps of recording a document, entering destination information, and sending destination to the destination computer. Lo is then cited as a teaching of initiating an image acquisition program in response to detecting the image data at the destination port.

Claim 1, from which all the other claims in the rejection are dependent, has been amended to be clearly distinguishable over the references. The primary reference, Shih, indeed shows steps of entering what can be considered destination information at a scanner. However, as acknowledged in the rejection, Shih is largely silent in describing a mechanism by which the scanned data is made available on the client computer.

The system in Lo for sending image data from a scanner to a desired computer differs significantly from Claim 1, particularly as amended. Claim 1 recites that the destination computer polls a destination port associated therewith, in effect to check for incoming image data. Image data comes to the destination computer as a result of the destination information entered substantially at the scanner, also as recited in claim 1. As stated in the Specification as filed at Page 7, lines 17-28, this "push" model obviates a need

for a "scanner server" to be interposed between the scanner and the destination computer.

The "push" model enabled by the steps of Claim 1 is clearly different from the teaching of Lo. In Lo, there is certainly a scanner server interposed between a scanner and a destination computer, or client computer:

> It is another object of the invention to provide a network scanning system which allows an application program running on a client computer to control and receive information from an image scanner over a computer network, in a manner **which is similar to having the scanner directly connected to the client computer.**
>
> * * *
>
> These and other objects are accomplished by a network image scanning system which includes a client computer **and a scanner server computer connected by a network,** the server computer having the scanner connected thereto. According to a first aspect of the invention, a virtual TWAIN driver is utilized by an application-program running in the client computer. The virtual TWAIN driver allows the application program to act, to a certain extent, **as if the client computer is directly connected to an image scanner, even though the scanner is connected to a scanner server,** the scanner server being connected to the client computer over a computer network. The virtual TWAIN driver interfaces with a client protocol encoder/decoder within the client computer. Commands and information are communicated over the computer network **between the client and scanner server.** (Column 2, lines 11-37, emphases added)

What is largely being described in Lo is the "pull" model of obtaining image data from a scanner over a network, in which a client computer (i.e., the destination computer) contacts the scanner server, which in turn drives the scanner. By its own admission, Lo teaches that it is desirable that a scanner server be invisible so that the scanner "seems" to be directly connected to the client computer. With the claimed invention, there is a direct connection between a scanner and a client/destination computer, without an intermediate server: the claimed invention **facilitates** what Lo merely **simulates.**

Another passage from Lo, cited in the rejection, confirms that Lo is merely teaching the "pull" mode described in the Background section of the Specification as filed:

> In accordance with ... the scan-to-file operation, instead of transferring image information from the scanner server to an application program running in the client computer, an image file is transferred **from the scanner server to a storage medium of the client computer.** The client computer can then access this image file which is locally stored or stored on a medium which is locally mapped as a network drive by any type of image processing software or can simply store or further transfer the image file.
>
> In the scan-to-file aspect of this invention, there is a file storage medium within the client computer, a client protocol encoder/decoder which encodes and **decodes commands and information transmitted between the client and server**, and a program called a file catcher which registers the client computer with the server **so that the server will be able to transmit files to the client computer,** and also controls the receiving and storage of image files. (column 3, lines 23-35, emphases added)

Once again, what is being described in Lo is the "pull" model: the image data must first go from the scanner **to** the scanner server, and then the client/destination computer must **get** the image data from the scanner server.

The steps of Claim 1 distinguish the claimed invention from the "pull" model of Lo. In the claimed invention, the destination computer polls a destination port for incoming image data from the scanner: the image data is directed to the destination computer described in the destination information entered substantially at the scanner. With the claimed invention, there is no need for the intermediate scanner server that is required in the teaching of Lo. For this reason, Lo cannot be combined with Shih to render the invention of Claim 1 or its dependent claims obvious.

The claims are therefore in condition for allowance.

No additional fee is believed to be required for this amendment; however, the undersigned Xerox Corporation attorney authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-3811, Rochester, NY.

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